



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

Signature required

SEP 16 2015

Ms. Nicolle R. Nyzio
Environment, Health & Safety Manager
Johnson Matthey Pharmaceutical Materials, Inc.
900 Schuylkill Road
West Conshohocken, PA 19428

**Re: Notice of Violation
Compliance Evaluation Inspection
May 7, 2015
EPA ID No. PAD980550412**

Docket Number: R3-15-NOV-RCRA-038

Dear Ms. Nyzio:

On May 7, 2015 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Commonwealth of Pennsylvania Hazardous Waste Regulations ("PAHWR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §§ 6901 *et seq.* at the facility owned and operated by Johnson Matthey Pharmaceutical Materials, Inc. ("JMPM"), and located at 900 Schuylkill Road, West Conshohocken, PA 19428 (the "Facility").

Based on that CEI and a review of other pertinent information, EPA has determined that, at the time of the CEI, the Facility was in violation of the following regulations promulgated as part of the PAHWR, and pursuant to RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation ("NOV")**. The specific violation(s) are:

1. During the inspection of the hazardous waste storage area the inspector observed several containers labeled as HW, however the labels could not be viewed due to their positioning; see inspection report pages 4-5 and photos 10-11. Each container must be clearly marked with the date that accumulation began and visible for inspection as required by PA §262a [40 CFR 262.34(a)(2)].
2. During the inspector's review of the facility Preparedness Prevention, and Contingency Plan he discovered that the home address was not provided for the emergency contact information. The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator as required in 25 PAHWR §265a [40 CFR §265.52(d)].

Area of Concern

Job description documents reviewed for the Production Shift Supervisor and the Manufacturing Technician state waste characterization, but did not provide the specific duties performed as it relates to hazardous waste management as required in 25 PA §265a [40 CFR §265.16(d)]. See page 4 of the Inspection Report.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

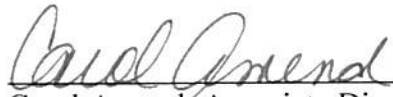
Within thirty (30) calendar days of the receipt of this NOV, please submit a response documenting the measures the Facility has taken or is taking to correct the violations observed in the loading dock area to achieve compliance with the applicable regulations. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed. In addition, you may provide an explanation of facts and circumstances that cause you to believe that EPA's determinations of the alleged violations are in error.

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information about contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not your company is covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations

in any future enforcement action. Any response to this NOV shall be addressed to:

Stephen Forostiak (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Sept 16, 2015
Date

Enclosure

cc: Steve Forostiak (3LC70)

Melissa Gross

